

Town Board Minutes July 13, 2011

Present: Supervisor Martin A. Ballowe, Councilmen Jay P. Boardway, Jeffrey A. Genzel, Eugene S. Wieckowski, Jr. and Councilwoman Cathy A. Maghran.

Also Present: Town Attorney Kobiolka and Highway Superintendent Telaak.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to appoint Joseph Weber as Dog Control Officer/Enumerator, PT \$9,390/Yr. +\$1 per dog.

five (5) Ayes Carried

The following quotes were received for the roof replacement on the new Recreation Center:

Sahlem · s Roofing	\$7,150	Pat White Construction	\$9,900
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A motion was made by Supervisor Ballowe and was seconded by Councilwoman Maghran to award the roof replacement work to Sahlem · s Roofing upon the review of the contract by Town Attorney Kobiolka at a cost of \$7,150.

five (5) Ayes Carried

The following quotes were received for the Highway Building Security System:

Omni Security, Inc.	\$5,378	Maximum Security	\$4,350
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A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to award the Security System installation to Maximum Security at a cost of \$4,350.

five (5) Ayes Carried

The following quotes were received for the final landscaping work at the New Trooper · s Barracks:

A Growing Business \$2,200 Stone Creek \$2,800

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to award the Landscaping work for the Troopers Barracks to A Growing Business at a cost of \$2,200.

five (5) Ayes Carried

Supervisor Ballowe noted that the money for this will come out of the Trooper · s Barracks because we refinance every year. Because the interest rates are lower for this year, we are making money, so we will not have to take the money out of the General Fund.

Councilman Boardway noted that the Trooper · s Barracks is a town owned building and because we have entered into a long-term lease with them, we are responsible for the landscaping on that property.

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to waive the building permit and Zoning Board application fees due to hardship for resident Kenneth Kubik, who wishes to make their home Handicap accessible.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to adopt the minutes of the June 15, 2011 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Wieckowski and seconded by Councilwoman Maghran, upon review by the Town Board, that fund bills on the Abstract dated July 07, 2011 in the amount of \$297,144.37 which includes voucher #543 in the amount of \$75,470.38 be paid.

five (5) Ayes Carried

Received and filed a letter from Michelle Gonter, Boston Youth Baseball President, stating her dissatisfaction with the condition of the Town fields after the BBQ Festival.

Councilman Boardway noted that while the BBQ Festival was a very nice event, the condition of the fields after were unacceptable to the Town Board. The Supervisor's office and most of the Town Board members have continuously inspected these fields; we have received assurances that they would be repaired by now. Anyone can look and see that they are not. We again have been assured by the Patchin Volunteer Fire Company that this work will be done by Monday. We have soccer starting and other people/organizations that have requested to use these fields. So, we have obtained an estimate from Stone Creek Landscaping, LLC. in the amount of \$4,200.

A motion was made by Councilman Boardway and was seconded by Councilman Genzel that if the repair work to the town fields is not completed by 5 p.m., Monday, July 18, 2011, The Town Board authorizes Stone Creek Landscaping to complete the repair work to the fields and have the bill for that repair forwarded to the Patchin Fire Company for payment.

five (5) Ayes Carried

Clive Rucker noted he heard that the town is trying to do something about the flooding on Boston Cross Road and asked if he can be informed when the plans are ready to be reviewed. He has been a resident of the town for 78 years and feels he knows some of the drainage issues at hand.

Councilman Genzel: I cannot speak for the previous administration but since I have been on this Town Board I have visited that site several times, including walking the drainage from the power line all the way down Boston Cross Road. I spent four hours with Town Engineer Hannon going over the plans from Erie County. We did realize that the pipes in the ground are not as big as the pipes on the plans. We did have the engineer give a sketch to Highway Superintendent Telaak for a crossover approximately 300 feet East of Thelma Faulring's house, where we are going to bring water from one side of the road to the other to alleviate the amount of water on the one side. We are also looking at the channel at Thelma's property that angles up near her neighbor on the North side that needs to be cleaned out and possibly some rip rap placed in there to slow it down. We also have some ideas about the inlet around Mr. Rosiek's property. The town engineer suggested that we cut those inlets down and lower them into the ground more and change the grates on the top so that they cannot let debris in. A lot of the problem is caused from grass clippings being blown into the road, which then goes into these inlets and forms a cover and then water cannot get in.

Clive Rucker: My concern is that if you bring any more water from the other side of the road onto this side of the road they are really going to be in trouble.

Councilman Genzel: One side is sitting half full during an event, and the other side is full, it's surcharging. I have traced all the way up through the park and they have been pieced together over the years and our Engineer and Highway Superintendent are very familiar with the site. Everyone has to be an advocate of his or her own drainage.

Supervisor Ballowe: The engineer did some calculations with the volumes and what the pipes can hold. Highway Superintendent Telaak has already done some clean out on Boston Cross Roads.

Clive Rucker: We told the Engineers this was going to happen.

Supervisor Ballowe: We also went after some block grant money to start bigger piping coming from Mill Street to come up past the fire hall and cross Boston State Road to Boston Cross Road. That will relieve Boston State Road.

Clive Rucker: I was hoping the town was applying for grants.

Supervisor Ballowe: We were turned down last year, but are trying to get it again this year.

Clive Rucker: They thought there was a two-foot pipe that went underneath Boston Cross Road. I was there when it was dug up and found there was a three-foot pipe. The contractor removed the three-foot pipe and put a brand new one in. I called the supervisor at that time and asked why we were not leaving the old pipe in and just put the new pipe alongside of it and connect it into the box going across the street through Saint John's Church.

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to appoint Robert Cline, Carol Gries, and Kristy Gallagher as Patchin Fire Police with the stipulation that Chief Durusky of the Patchin Fire Company produce a copy of their Certificate of Attendance to the Fire Police school to the Town of Boston.

five (5) Ayes Carried

A motion was made by Councilman Wieckowski and was seconded by Councilman Boardway to authorize Supervisor Ballowe to sign the Hodgson Russ, LLP, Bond Counsel Services and billing arrangements for the Establishment of Extension No. 1 to Water District No. 3 agreement. Estimated fees not to exceed \$13,000 total.

five (5) Ayes Carried

Supervisor Ballowe noted that this is an extension to Water District No. 3 on Cole Road. This will encompass 22 homes on that road.

RESOLUTION 2011 - 06 ACCEPTANCE OF MAP, PLAN, AND REPORT FOR THE ESTABLISHMENT OF EXTENSION NO. 1 TO WATER DISTRICT NO. 3

RESOLUTION 2011 - 07 ACCEPTANCE OF SIGNED PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 1 TO WATER DISTRICT NO. 3

RESOLUTION 2011 - 08 ORDER CALLING FOR A PUBLIC HEARING TO BE HELD ON AUGUST 10, 2011 REGARDING THE PROPOSED ESTABLISHMENT OF EXTENSION NO. 1 TO WATER DISTRICT NO. 3 IN THE TOWN OF BOSTON.

A motion was made by Supervisor Ballowe and was seconded by Councilwoman Maghran to schedule a bid opening for the NYSERDA (New York State Energy Research and Development Authority) Grant for August 3, 2011 at 10:00 a.m.

five (5) Ayes Carried

Supervisor Ballowe tabled scheduling a public hearing for Proposed LL#2 of the year 2011 entitled Property Maintenance Law for the Town of Boston, New York until further research and discussion take place.

A motion was made by Councilwoman Maghran and seconded by Councilman Wieckowski to approve the Use of Facility Application for Jennifer Cavarello for August 13, 2011.

five (5) Ayes Carried

Supervisor Ballowe referred a Plan View drawing, Standard Drawing for stacked and pinned rock riprap, and 4 construction specifications for the Stream Bank Erosion Project on Valley View Lane in the Town of Boston to Town Engineer Hannon for review and recommendation.

Councilman Genzel: We are forwarding this to Town Engineer Hannon because a resident's garage on Valley View Lane is falling into a drainage channel and will be lost if something is not done. We have asked Erie County Soil and Water Conservation District to come up with a plan describing how to fix this situation. There will be no cost to the town. We want to try and find some funding to help this resident.

Supervisor Ballowe: This falls under the Stream Bank Erosion and Water Quality Act. When this project was first looked at, it did not fit into this, now it does. The town has already cleared out the wood and debris behind Patchin Fire Company and upstream where the problem is happening again. Erosion is taking out property and heading toward power lines. We were able

to file for permits for this. Without these filed permits through Erie County the town could not do or co-sponsor projects like this because they are considered private property.

Received and filed monthly reports from the Town Clerk, Tax Collector, Assessor, and Code Enforcement Officer.

Supervisor Ballowe noted that the Boston Lions Club is sponsoring a Garage Sale on Saturday, August 6, 2011 from 9 am to 2 pm under the Lions Shelter, Boston Town Park. Contributions are gratefully accepted.

Supervisor Ballowe noted that there has been quite a bit of work going on around town, especially over at the old Troopers Barracks. The roof and the back parking lot need work. Supervisor Ballowe invited everyone to stop in and see the new Recreation Facility. He thanked all the employees, people and businesses involved who donated time, equipment, and material to the Recreation Center. He noted that it has turned into a great facility.

Deputy Town Clerk Mule?V noted that the Think Green Rewards program is now up and running. There is a link on the Town of Boston website and post cards were mailed out on June 30. We have had several positive comments from residents about the concept.

Highway Superintendent Telaak requested approval to purchase a new salt spreader.

A motion was made by Councilman Boardway and was seconded by Councilman Wieckowski to put out to bid for a new saltbox for the back of the Osh Kush Truck.

five (5) Ayes Carried

Highway Superintendent Telaak noted that the Highway Department has been paving throughout town. He noted they will be borrowing trucks from the Towns of Collins, Colden, Aurora, and the Village of Orchard Park. He noted that Serpentine Drive, Eddy, and Lango Roads will be paved this week.

Highway Superintendent Telaak noted that there is dirt fill and wood chips available.

Councilman Wieckowski noted that he is finishing up some safety items for the Recreation Center and the Office of Emergency Management will be moving into their space. He went on the annual inspection of the trailer parks with Code Enforcement.

Councilman Genzel as Drainage Liaison met with Scott Lemmetz of Crescent Circle; he had questions whether this circle is a public right-of-way. There is a question whether the ditch is public or private property. He is waiting for a call from Mr. Schaffer of Wohlhueter Road, who has drainage problems with his concrete driveway. Eastwood Industries finished up their work on the 18 Mile Creek between Zimmerman Road and the 219. Their project was for \$9,500 to take all the trees leaning 30 degrees and more, or crossed over the creek and chop them up in 4-foot sections to alleviate any log jamming. They also broke up a large logjam behind the apartments on Boston State Road creek side. They cut 2 trees at the Mill Street bridge.

Councilman Genzel as Engineering Liaison Water District #3 Extension #1 has the go ahead, which is on the east hill. They are hoping to get the Town Engineer working on the plans immediately and possibly have a fall starting schedule. It is not a big project - \$300,000 construction costs, possibly getting a \$100,000 grant. Councilman Genzel spoke with Town Engineer Hannon about the grant for the parks project; plans and specs have been submitted to the Town and will be forwarded to Grant Writer Miner to get the parks project rolling; new soccer fields, walking path, volley ball court etc. Town Engineer Hannon has requested more Perk Tests for The Dollar General proposed for Boston State Road next to Brunner's pizzeria, our engineer that area is all fill and he is concerned with percolation with the drainage basins to make sure they are going to perk. You may see some drilling rigs in that area. We have quite a few things to do before they can start that project.

Councilman Genzel as Planning Liaison attended a Planning Board meeting last night. Our Planning Board is reviewing the Town Comprehensive Plan. Our plan was good through 2010. We are in 2011. They have taken it upon themselves to start reviewing it and updating it for the next 20 years. The public is invited. They would like input from the public. Anyone interested, the next Planning Board Meeting is August 9, 2011 at 7:30 pm. They usually take care of agenda business first and then after that they will start working on the comprehensive plan. That plan is available on the town website for the public's review. The Planning Board tabled the Boston Fire Hall building site plan. There were some trees taken down at the site of the new Boston Fire Hall that were supposed to stay and were on the site plan. Our Town Planner requested that they come back through the process to see what they are going to do to replace those trees. Apparently, when they did a controlled burn on a house; the trees got burned.

Councilman Genzel noted that the Planning Board is always looking for volunteers.

Councilman Genzel attended the first day of Recreation on July 11, 2011. He is very impressed with the program. Recreation Director Clesse and Councilwoman Maghran have done a great job. We have many very happy children. I received one complaint about the back parking lot; as Marty and Bob have said, we are working on that. My wife and I are sponsoring the band on July 19, 2011; this is out of my 20% that I volunteered to give back to the town.

Last Saturday, while switching my alarm company, I had a false alarm and would like to thank Joe Gallagher from the Patchin Fire Company, Dave Blank from North Boston Fire Company, Colden Fire Company, and all who responded.

Councilman Boardway noted that he attended the Boston BBQ Festival and was impressed with the number of competitors. The Patchin Fire Company members did a great job putting on this event and the fireworks were spectacular.

Councilman Boardway as Conservation Advisory Council Liaison noted that the 2011 Environmental Awareness Day is Saturday from 9 a.m. to 1 p.m.

Councilman Boardway also noted that the North Boston Fire Company Grand Gala was held this past Sunday and they did a great job.

Councilman Boardway noted that the Town Board had the opportunity to sit down with the Ethics Board and discuss the Code of Ethics and thanked them for all their work on the Town Board's behalf.

Councilwoman Maghran noted that the Boston Summer Concert Series began yesterday with the highest attendance yet. Summer Recreation began on Monday in the new Recreation Center and things are going well. There is a great need for shade behind the building and she is requesting from the public temporary use of large tents or pop up gazebos.

Councilwoman Maghran met with Grant Writer Miner and Town Engineer Hannon and discussed the 2nd the grant that will incorporate more lawn space, trees, and a shelter behind the Recreation Center along with a nature trail and basketball and skateboard area. Recreation Director Clesse requested an increase for the two EMT Counselors.

Supervisor Ballowe noted that he would review that with Recreation Director Clesse.

Councilwoman Maghran noted that as part of the Recreation Department there will be a Christmas in July where they will assist Assemblyman Smardz and Legislator Dixon with a toy collection for Children's Hospital. There will be a large box at the Recreation Center from July 25-27 to collect toys for this cause.

Supervisor Ballowe noted that he attended the first summer concert and thanked Recreation Director Clesse and Kathy Telaak for their efforts in collecting donations from the vendors. For the past two years we have collected through donation enough money to cover every single band at no cost to the taxpayers. This year there was an overage which will go toward next year's events.

A motion was made by Supervisor Ballowe and seconded by Councilman Wieckowski to adjourn the meeting at 8:19 p.m.

five (5) Ayes Carried

JENNIFER A. MULE', DEPUTY TOWN CLERK